



ATTACHMENT A

Remarks

Considering the matters raised in the Office Action in the same order as raised, claims 26, 37, 38, 39 and 40 have been objected to because of certain informalities. The informalities have been corrected and the Examiner is thanked for the assistance provided in this regard.

Claims 1-3, 6, 8-16, 18, 22, 23, 25-28, 31-34 and 36-40 have been rejected under 35 USC 102(b) as being "anticipated by" the newly applied Thomas reference. In addition, claim 35 has been rejected under 35 USC 103(a) as being unpatentable over the Thomas reference "in view of Irvin." These rejections are respectfully traversed although, as discussed below, a number of the independent claims have been amended to more clearly define over the references cited.

Generally speaking, while it is agreed that the Thomas patent is certainly relevant to some of the broader aspects of the present invention, it is respectfully submitted that the claims now presented each patentably define over that reference. Turning first to claim 1, this claim has been amended to include the subject matter of claim 31 and recites, inter alia, that identification codes for the compatible devices are preprogrammed into the cellular telephone so as to enable a name of a person to be associated with each compatible device. In rejecting claim 31 (and claim 37 corresponding thereto), the Examiner has simply stated that Thomas discloses this feature and has made reference to paragraph [0024] of the Thomas reference. This paragraph has been carefully reviewed and it is respectfully submitted that there is simply no teaching therein of the feature in question. If the Examiner disagrees, it is respectfully requested that the Examiner specifically point out the relevant teachings of Thomas in this regard.

Turning to independent claim 11, this claim recites, inter alia, using a second transceiver to broadcast a request for compatible third party devices within a desired local area to identify themselves, generating a list of the devices responding to the request, and selecting at least one third party device from the list. These recitations, which are based on the second full paragraph of page 4 of the specification, clearly define over the Thomas patent. In the latter regard, Thomas simply does not disclose

broadcasting a request for compatible devices to identify themselves but rather simply polls all devices on the LPRF network as indicated by block 13 in Figure 2 and as is described in paragraph [0024] to which the Examiner has referred.

Independent claim 18 has also been amended to define over the Thomas reference in a manner similar to claim 1. In this regard, claim 1 recites identifying a third party device within a desired local area based on a menu identifying compatible third party devices within range of the local area receiver and based on identification codes preprogrammed into the cellular phone so as to enable a name of a person to be associated with each compatible third party device. Again, it is respectfully submitted that this feature is simply not disclosed in the Thomas patent.

Turning to claim 25, it is first noted that a minor correction has been made in this claim to eliminate an obvious typographical error. In rejecting claim 25, the Examiner has taken the position that "Thomas discloses all the limitations of claim(s) 25 as stated in claim(s) 1 rejection and furthermore discloses a housing (FIG. 3)." It is noted that claim 25 includes features similar to those of claim 35 and, in particular, recites a microphone coupled to the combining means and a speaker coupled to the combining means such that sound generated at the microphone is not played at the speaker. As indicated above, claim 35 has been rejected based on a combination of Thomas and Irvin and thus it is assumed that the Examiner intended to also apply the Irvin patent against claim 25 as well, since Thomas clearly does not disclose the feature in question. However, it is respectfully submitted that the Irvin patent does not disclose this feature either.

Considering the latter contention in more detail, in rejecting claim 35 the Examiner has made reference to Figure 2 and lines 34-50 of column 5 of Irvin. However, these lines merely disclose the use of a microphone and a speaker and do not disclose a speaker and a microphone coupled to combining means such that sound generated at the microphone is not played at the speaker. In this respect, the passage to which the Examiner merely makes reference to "speaker 274 and/or microphone 282" and contains no teachings or suggestion that these elements operate as claimed. In fact, the use of "and/or" in reference to the speaker and microphone indicates that the two need not be used together. In any event, it is respectfully submitted that the subject

matter of claim 25 is simply not disclosed by Irvin or Thomas and thus even assuming for the sake of argument that it would be obvious to combine Irvin and Thomas, the resultant hybrid combination would not be that claimed in claim 25.

Allowance of the application in its present form is respectfully solicited.

END REMARKS